A conveyance *pendente lite* is not void, but only subservient to the rights of the parties as asserted in the suit at time of the sale. *Stone* v. *Connelly,* 1 Metc. (Ky.) 652, 71 Am. Dec. 499. A *lis pendens* affects a purchaser with notice of all facts apparent on the record, and such other facts as to which the record would necessarily put him upon inquiry. *James* v. *McNarrin,* 68 Me. 334, 28 Am. Rep. 66; *Newman* v. *Chapman,* 2 Rand. 93, 14 Am. Dec. 765. It is not notice of facts afterwards brought into the suit, nor of facts not in issue, nor of any proceeding other than the pending suit. *Stout* v. *Philippi Manufacturing & Mercantile Co.,* 41 W. Va. 339, 23 S. E. 571, 56 Am. St. Rep. 843; *St. John* v. *Strauss,* 60 Kan. 136, 55 Pac. 845; *Kickbusch* v. *Corwith,* 108 Wis. 634, 85 N. W. 148.

A *lis pendens* is only effective, however, when the litigation to which it refers results in a final judgment affecting the property described therein, and within the issues made. *Bristow* v. *Thackston.* 187 Mo. 322, 86 S. W. 94, 106 Am. St. Rep. 472. If the suit is dismissed, the rights of the *pendente lite* purchaser remain the same as if there had never been a *lis pendens,* since a dismissal for any purpose is a dismissal for all purposes. *Tootle* v. *Cahn,* 52 Kan. 73, 34 Pac. 401; *Allison* v. *Drake,* 145 Ill. 500, 32 N. E. 537; *Karr* v. *Burns,* 1 Kan. App. 232, 40 Pac. 1087.

PUBLIC TELEPHONE STATIONS—DANGEROUS PREMISES—LIABILITY OF TELEPHONE COMPANY.—A telephone company installed a public pay station in a store. It agreed with the proprietor to keep the instrument in good repair and furnish telephone service at rates fixed by the company, the tolls to be collected by storekeeper, who agreed to pay the company a percentage of all tolls charged by it for messages from the station. A "Blue Bell" sign, furnished by the company, was conspicuously displayed on the front of the premises, announcing that a public telephone station was maintained there. Plaintiff, observing the sign, entered the store, used the telephone, and while walking to the cashier's desk to pay the toll, stepped through a trap door, negligently left open by a servant of the storekeeper, and was injured. In an action against both the storekeeper and the telephone company, *held,* the former is liable and the latter is not. *Sullivan* v. *N. Y. Telephone Co.,* 142 N. Y. Supp. 735 (App. Div.).

The ground upon which the court bases its decision is, that under the contract the storekeeper was the bailee for hire of the telephone, and the telephone company had neither possession nor control of the premises.

The court fails to advert to the effect of the company's sign as inviting the uninformed public to contract directly with the telephone company. It is settled that the owner or occupier of premises who invites the public to come upon them, is bound to keep the premises reasonably safe. *Richmond & Manchester Ry. Co.* v. *Moore,* 94 Va. 493, 27 S. E. 70, 37 L. R. A. 258; *Thompson* v. *Street Ry. Co.,* 170 Mass. 577, 49 N. E. 913, 40 L. R. A. 345, 64 Am. St. Rep. 323. Ownership is not the sole test of liability. *McIntyre* v. *Pfaudler Co.,* 133 Mich. 552, 95 N. W. 527. Thus, where the invitor did not have control of the operation of

a merry-go-round, not owned by him, but received a percentage of the receipts, he was held to have a sufficient interest in the premises to sustain the liability. *Hollis* v. *Kansas City Ass'n,* 205 Mo. 508, 103 S. W. 32. The liability flows from the invitation, especially as to invitees who are uninformed as to the real control of the premises. In the principal case, in view of the nature of the business, the act of the telephone company in placing the sign upon the premises would seem, as to the uninformed public, to be a holding out of its co-defendant, the storekeeper, as its agent, and a designation of the premises as one of its branch offices. Though the claim is in tort the confidence reposed is sufficient to raise an estoppel akin to that of a nominal partner. See *Hannon* v. *Siegel-Cooper Co.,* 167 N. Y. 244, 60 N. E. 597, 52 L. R. A. 429. The telephone company, having invited the plaintiff to come upon the premises should be responsible for their dangerous condition.

SELF-CRIMINATION—USE OF BANKRUPT'S BOOKS.—A bankrupt's account books transferred to the trustee in accordance with § 70 of the Bankruptcy Act were later produced before the grand jury and the petit jury at his trial for concealing money from the trustee. *Held,* not an infringement of his constitutional provision against self-crimination. *Johnson* v. *United States,* 33 Sup. Ct. 572.

Though apparently the first decision of the Supreme Court on this point, this case follows previous decisions in the lower Federal courts. *In re Tracy,* 177 Fed. 532; *United States* v. *Halstead,* 38 App. D. C. 69.

It is well settled that the constitutional provision against compelling one to be a witness against himself in a criminal prosecution applies to process ordering one to produce documents, but it is equally well settled that if the documents come into the hands of someone else, they will be admitted. WIGMORE, EVIDENCE, § 2264. Even if illegally obtained, they will be admitted. See NOTES, p. 70. This Constitutional provision applies not only to actual prosecutions, but to any judicial proceeding. *Counselman* v. *Hitchcock,* 142 U. S. 547. The bankrupt can claim this privilege against self-crimination before transferring the books to the trustee or receiver. *In re Kanter,* 117 Fed. 356. The books must be then submitted for examination, usually before the referee, to determine if they do in fact contain evidence tending to incriminate. *In re Hess,* 134 Fed. 109. If it appears they do contain such evidence, the court will make such order as will protect the bankrupt from their use in any criminal case and will then order that they be transferred. *In re Harris,* 221 U. S. 274. This point seems well settled, but in the case just cited, Mr. Justice Holmes intimates that the order for the transfer would have been given even without providing any immunity. The immunity must be broad enough to afford complete security, and § 7a (9) of the Act does not do this, applying only to "testimony." *In re Feldstein,* 103 Fed. 269. If this privilege is not claimed before the transfer, it will be held to have been waived. *In re Tracy, supra.*

This immunity from producing self-criminating documents, even in the actual prosecution, has been held not to apply when an officer of a corporation refuses to deliver them when such order is made on the corporation, on the ground that it would incriminate him. *Wilson* v.